

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.6057 of 2012
Date of decision: 16.10.2015**

Ram Singh

....Appellant

Versus

Chander Mohan and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jatinder Kumar Kamboj, Advocate
for the appellant.

Mr. R.K. Bashamboo, Advocate
for respondent No.2.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal') vide award dated 07.06.2012, on account of injuries sustained by Ram Singh in a motor vehicular accident which took place on 03.08.2009.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 03.08.2009, the injured-claimant was coming from Ladwa to his village Chandraero on a Splendor motorcycle with Ashok as pillion-rider. The motorcycle was being driven on the left side of the road and at a moderate speed. When they reached near Jandhera Mor on

Ladwa-Radaur Road, a Mahindra Logan car bearing registration No.HR-02-S-0366, being driven by respondent No.1-Chander Mohan, in a rash and negligent manner came from opposite direction and hit the claimant who sustained multiple, serious and grievous injuries on various parts of his body including fracture and head injury. After the accident, he was taken to Dr. Anand Orthopedic Centre, Pehowa Road, Kurukshetra, where he remained admitted, treated and operated.

In this regard, FIR No.125 dated 03.08.2009, under Sections 279, 337 and 338 IPC, in respect of the accident in question, was got registered at Police Station Ladwa.

Consequently, the claimant-appellant filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

Before the Tribunal, the claimant-appellant appeared as PW-1 to prove the accident in question.

Ultimately, on the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident was caused on account of rash and negligent driving by Chander Mohan-respondent No.1. The Tribunal has rightly returned the finding on Issue No.1 in favour of the claimant-appellant.

The claim petition was accepted by the Tribunal and a sum of Rs.20,600/- was awarded as compensation on account of injuries sustained by Ram Singh along with future interest @ 9%

per annum from the date of filling the petition till actual realization.

The Tribunal has awarded the amount of compensation under various heads. The same reads as under :-

SR. NO.	HEADS	CALCULATIONS
1.	Disability	Rs.10,000/-
2.	Loss of income	Rs.3,600/-
3.	Better diet	Rs.2,000/-
4.	Pain and sufferings	Rs.5,000/-
5.	Total	Rs.20,600/-

Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

REASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the claimant-appellant has sustained injuries as a result of the accident.

From the perusal of the award, it reveals that Dr. Himanshu Anand, Anand Orthopedic Centre, Kurukshetra deposed that the claimant-appellant was admitted in his hospital in a case of alleged road side accident on 01.08.2009. He was operated on 01.08.2009, 06.08.2009 and 10.08.2009 and he charged Rs.51,700/- on account of treatment exclusive of medicines, anesthesia and implant. The claimant-appellant was discharged on 24.08.2009. This witness also proved copy of MLR Ex.P-10,

photocopy of X-ray Report dated 01.08.2009 Ex.P-11, hospital bills Ex.P-12 and photocopy of bill Ex.P-13.

The claimant-appellant also examined Dalip Kumar, Proprietor of Rudraksh Medicose Partap Colony, near Geeta School, Railway Road, Kurukshetra, who has proved the bills Ex.P1 to Ex.P9. However, the Tribunal has not taken into consideration the bills Ex.P1 to Ex.P9 and Ex.P-12, has not taken into consideration for assessing the amount of compensation, as the original copy of these bills have not been produced.

The claimant-appellant is not expected to retain the original bills with him. So, this Court is of the considered opinion that these bills i.e. Ex.P1 to Ex.P9 and Ex.P12, are required to be taken into consideration as the photocopies of these bills have been proved by Dalip Kumar, Proprietor of Rudraksh Medicose Partap Colony.

So, the amount of compensation in respect of injuries sustained by the injured-claimant are being re-assessed/modified as under:-

SR. NO.	HEADS	CALCULATIONS
1.	Disability	Rs.10,000/-
2.	Loss of income	Rs.5,000/-
3.	Special diet and transportation	Rs.20,000/-
4.	Pain and sufferings	Rs.20,000/-
5.	Bills Ex.P1 to Ex.P9 and Ex.P12	Rs.76,700/-
6.	TOTAL COMPENSATION TO BE AWARDED	Rs.1,31,700/-
7.	Enhanced amount of compensation	(Rs.1,31,700/-) – (Rs.20,600/-) =Rs.1,11,100/-

Accordingly, the claimant-appellant is entitled to claim **Rs.1,11,100/-** more in addition to the amount already awarded by the Tribunal. The enhanced amount of compensation shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in the case of “*Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others*”, 2015(1) SCC 539. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

(RITU BAHRI)
JUDGE

16.10.2015

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